

Significant Legislative Rule Analysis Board of Hearing and Speech

WAC 246-828-001 Approval of program for two-year degree
WAC 246-828-002 Site review procedures
WAC 246-828-003 Process for rescinding approval of program
WAC 246-828-004 Two-year degree standards

Required Under the Administrative Procedures Act (RCW 34.05.328) for Significant Legislative Rules

Purpose and Objective

The Department of Health, Board of Hearing and Speech, is proposing the following new rules:

- WAC 246-828-600 – This rule describes the process for requesting approval of a two-year degree program.
- WAC 246-828-605 – This rule allows the Board of Hearing and Speech to inspect a currently approved program, or a program requesting approval.
- WAC 246-828-610 – This rule authorizes the Board of Hearing and Speech to rescind approval or grant conditional approval of a two-year program.
- WAC 246-828-615 – This rule outlines the minimum components of an approved curriculum.

Background

In 1996 the Legislature adopted a requirement for a six-month apprenticeship program for hearing instrument fitter/dispensers, and required the Board of Hearing and Speech to complete a study in consultation with the governing authorities of several professional associations, the State Board for Community and Technical Colleges, and the Department of Health, to develop a recommendation on the appropriateness of a two-year degree requirement. The committee recommended a two-year degree requirement for licensing hearing instrument fitter/dispensers. In 1999 the Legislature adopted the recommendation, and created the requirement for hearing instrument fitter/dispensers to successfully complete a two-year degree program prior to licensure. This rule proposal assures the rules reflect the law.

Benefit Cost Analysis (RCW 34.05.328(1)(c))

The Administrative Procedures Act requires state agencies to demonstrate that “the probable benefits of the regulation are greater than its probable costs.”

The statute requires two years of education. For this reason, the department did not evaluate the costs of a two-year program. The proposed curriculum requirements are minimal, and designed to assure applicants for hearing instrument fitter/dispenser credential receive training appropriate to the practice of hearing instrument fitter/dispensers. Previously, applicants would have gained these skills through an apprenticeship program. The costs of the apprenticeship program were borne by the licensed practitioner conducting the apprenticeship. The change in the law shifted the costs from the practicing hearing instrument fitter/dispenser to the applicant. The curriculum

requirements assure that hearing instrument fitter/dispensers receive consistent training, regardless of the program they attend. The board has worked to ensure that the curriculum requirements and costs are the least burdensome for those who must comply with them.

The rule amendments have been reviewed and the Department of Health, Board of Hearing and Speech, has determined that the probable benefits of the amendments exceed the probable cost.

Least Burdensome Alternative Analysis (RCW 34.05.328(1)(d))

The Administrative Procedures Act requires the department to “determine, after considering alternative versions of the rule...that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives [of the law upon which the rule is based]” RCW 34.05.328(1)(a).

The Department of Health, Board of Hearing and Speech, reviewed the rules and has determined that the rules as written are the least burdensome alternative. The board has worked to ensure that the curriculum requirements and costs are the least burdensome for those who must comply with them.

Alternatives to the proposed rules that were considered, but determined to be more burdensome, include:

- A requirement for currently licensed hearing instrument fitter/dispensers to complete an approved degree program. This option would create a significant time and financial impact to current licensees. These licensees met the licensing requirements at the time of licensure. The legislature did not indicate that the two year degree program should be retroactive. Adopting this requirement would be more burdensome, but may also exceed statutory authority.
- Excluding the minimum components of an approved curriculum. The current proposal provides the minimum components for curriculum. The proposal assures consistency among programs so that applicants receive the core minimum components while pursuing their degree. By establishing minimum curriculum components helps assure hearing instrument fitter/dispensers have adequate training, which will help protect consumers from inadequate care. Excluding minimum curriculum requirements could lead to inadequately trained students applying for licensure, and could increase the potential for consumer harm.

The proposed rules will comply with the requirement in statute that requires satisfactory completion of a two-year degree program in hearing instrument fitter/dispenser instruction. The program must be approved by the Board of Hearing and Speech.

The Proposed Rule Does Not Violate Any Other Federal or State Statute (RCW 34.05.328(1)(e))

These rules do not violate any federal or state statutes.

The Proposed Rule Does Not Impose More Stringent Performance From Private Entities Than Public Entities (RCW 34.05.328(1)(f)).

These rules apply the same standards to both private and public entities.

The Rule Does Not Differ From Federal Regulation or Statute Which is Applicable to Same Activity or Subject Matter or Justify Difference (RCW 34.05.328(1)(g)).

These rules do not differ from any other federal regulation or statute applicable.

DOH Has Attempted to Coordinate the Proposed Rule With Other Federal, State and Local Laws Applicable to the Same Activity or Subject Matter (RCW 34.05.328(1)(h)).

There are no other laws applicable to the same activity or subject matter.